

Message Text

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ACTION EB-07

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FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 8358

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E.O. 11652: N/A

TAGS: EINV, TW

SUBJECT: PROPOSED PATENT CENSUS BY GROC

REF: STATE 017829

1. EMBASSY APPRECIATES AMMUNITION CONTAINED REFTEL. SUBSTANCE THAT MESSAGE HAS BEEN COMMUNICATED BOTH ORALLY AND IN WRITING TO MINISTER OF ECONOMIC AFFAIRS Y.S. SUN (SUN YUN-HSUAN) BY ECON COUN. MINISTER COMMENTED THAT HE IS AWARE OF CONCERN OF PATENT HOLDERS REGARDING PROPOSED CENSUS AND HE STATED THAT NO ACTION WILL BE TAKEN TO IMPLEMENT CENSUS UNTIL HE HAS HAD THE OPPORTUNITY TO WEIGH MATTER THOROUGHLY. HE WAS PARTICULARLY INTRIGUED BY CONCEPT OF COMPULSORY LICENSING, WHICH, IN HIS OPINION, COULD SATISFY BOTH GROC DESIRE THAT PATENTS BE WORKED AND PATENT OWNERS INTEREST IN NOT HAVING PATENTS ARBITRARILY REVOKED.

2. OPPOSITION TO PROPOSED CENSUS IN ROC IS BEING SPEARHEADED BY U.S. MANUFACTURERS OF PHARMACEUTICALS AND CHEMICALS. WHEN SUBJECT OF PATENT CENSUS FIRST SUFRACED ON DECEMBER 1, 1975 AT BUSINESS INTERNATIONAL REPUBLIC OF CHINA ROUNDTABLE, DR. WERNER NING (NING YU-FENG), DIRECTOR OF NATIONAL BUREAU OF STANDARDS, STATED IN SEMINAR ON INVESTMENT THAT GROC INTENDED TO ENFORCE ARTICLE 67 AND THAT IN ORDER TO DO SO A PATENT

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CENSUS WOULD BE TAKEN. ON DECEMBER 4 NING MET WITH REPRESENTA-

TIVES OF U.S. PHARMACEUTICAL MANUFACTURERS AT THEIR REQUEST. THEY LISTED THE REASONS WHY IN THEIR OPINION A CENSUS SHOULD NOT BE TAKEN AND WHY STRICT ENFORCEMENT OF ARTICLE 67 WOULD NOT BENEFIT THE ROC. THEY ALSO SUGGESTED THAT BECAUSE OF THE COMPLICATED LEGAL ASPECTS OF PATENT LAW THE GROC MIGHT WISH TO INVITE A DELEGATION FROM INTERPAT TO VISIT TAIWAN BEFORE PROCEEDING ANY FURTHER WITH PLANS FOR A CENSUS. NING DID NOT RESPOND TO THIS SUGGESTION AND ON DECEMBER 17 THE SAME SUGGESTION WAS MADE IN A LETTER TO MINISTER SUN FROM CHARLES A. BAKER, VICE PRESIDENT OF PFIZER ASIA, SPEAKING ON BEHALF OF U.S. PHARMACEUTICAL AND CHEMICAL MANUFACTURERS IN THE ROC. AS OF JANUARY 28, 1976, MINISTER SUN HAD NOT RESPONDED TO BAKER'S LETTER.

3. FOLLOWING RECEIPT OF REFTEL ECON COUN MET WITH OR TALKED TO LOCAL REPRESENTATIVES OF PFIZER, DUPONT, ELI LILLY, AMERICAN CYANAMID, BRISTOL-MEYERS AND STERLING DRUG, ALL OF WHICH HAVE MANUFACTURING FACILITIES IN THE ROC. THEY WERE BRIEFED ON EMBASSY'S COURSE OF ACTION. IT WAS AGREED THAT THE ASSISTANCE OF THE AMERICAN CHAMBER OF COMMERCE IN THE ROC WOULD BE SOLICITED AND A LETTER OPPOSING THE PROPOSED CENSUS FROM THE AMCHAM PRESIDENT TO MINISTER SUN IS BEING PREPARED.

4. PROBLEM WAS ALSO DISCUSSED WITH FRANK C.S. WANG OF LAW FIRM LEE AND LI, WHICH REPRESENTS IN ROC. ACCORDING TO WANG, TAIWAN ASSOCIATION OF PATENT ATTORNEYS SOON WILL BE SENDING PETITION TO MINISTER SUN REGISTERING ITS OPPOSITION TO PROPOSED CENSUS.

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